

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adip Vora	Team: Squad #01	CCRB Case #: 202307237	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/14/2023 8:15 PM, Friday, 07/14/2023 8:34 PM, Friday, 07/14/2023 8:45 PM, Friday, 07/14/2023 9:10 PM	Location of Incident: Corner of 141st Street and 7th Avenue; 33rd PCT Stationhouse; § 87(2)(b) § 87(2)(b)	18 Mo. SOL 1/14/2025	Precinct: 33		
Date/Time CV Reported Sat, 07/22/2023 12:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/03/2023 12:26 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Diane Lopez	07350	958828	033 DET
2. Officers			
3. DT3 Anthony Hamosfakidis	02448	964044	033 DET
4. SGT Sandy Espinal	02323	948939	033 DET
5. DC Vincent Greany	00000	926905	PBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Ariel Lora	04968	955092	046 DET
2. PO Carlota Payano	14570	942330	033 PCT
3. PO Kelsey Garcia	19880	971446	033 PCT
4. PO Michael Grove	03812	941854	033 PCT
5. LT William Beissel	00000	934469	033 PCT
6. PO Miguel Ignegonzalez	23047	975550	032 PCT
7. PO Sergio Arias	03995	975334	032 PCT
8. PO Emmanuel Etienne	14114	961747	032 PCT
9. PO Javier Ramirez	18112	975754	032 PCT
10. PO Bintou Dabo	27204	971888	032 PCT
11. PO Jesse Pulice	11430	957058	032 PCT
12. LT Andrew Marino	00000	943521	007 PCT
13. PO Pilar Mejiacabral	13666	975656	032 PCT
14. PO William Wong	10498	966399	032 PCT
15. PO Gary Sanchez	06560	972939	033 PCT
16. PO Gregory Stockhausen	19906	937587	033 PCT
17. CPT Veniece Gayle	00000	947021	032 PCT
18. DTS Joseph Repetti	04441	947392	ESS 02
19. PO Ryan Rameshwar	28288	972191	044 PCT
20. LT Ayotunde Adeniyi	00000	934370	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
21. PO John Tobin	20289	971705	044 PCT
22. PO Raymond Pinto	05243	970774	044 PCT
23. PO Edgard Delossantos	23680	971900	044 PCT
24. PO Zachary Lavender	26451	950732	044 PCT
25. PO Miguel Castillo	00985	965682	044 PCT
26. PO Bryan Coluccimolina	19032	971376	044 PCT
27. PO Rieguy Fernandez	02281	961759	044 PCT
28. DTS Wilfredo Benitez	05619	947459	044 PCT
29. DTS Aramis Ramos	04521	942405	HAZ WMD
30. DTS Brandon Watson	05041	923350	ESS 02

Officer(s)	Allegation	Investigator Recommendation
A . Officers	Abuse: On West 141st Street and 7th Avenue, in Manhattan, officers drew their guns.	
B . DC Vincent Greany	Abuse: At § 87(2)(b) in Manhattan, Deputy Chief Vincent Greany damaged § 87(2)(b)'s property.	
C . DC Vincent Greany	Abuse: Deputy Chief Vincent Greany entered § 87(2)(b) in Manhattan.	
D . DC Vincent Greany	Abuse: Deputy Chief Vincent Greany searched § 87(2)(b) in Manhattan.	
E . DT3 Anthony Hamosfakidis	Abuse: At 2207 Amsterdam Avenue in Manhattan, Detective Anthony Hamosfakidis refused to provide his name to § 87(2)(b)	
F . DT3 Diane Lopez	Abuse: At 2207 Amsterdam Avenue in Manhattan, Detective Diane Lopez refused to provide her name to § 87(2)(b)	
G . SGT Sandy Espinal	Abuse: Sergeant Sandy Espinal entered § 87(2)(b) in the Bronx.	
H . SGT Sandy Espinal	Abuse: Sergeant Sandy Espinal searched § 87(2)(b) in the Bronx.	

Case Summary

On July 22, 2023, § 87(2)(b) filed this complaint with IAB via telephone. On August 3, 2023, the CCRB received this complaint.

On July 14, 2023, at approximately 8:15 PM, § 87(2)(b) left a § 87(2)(b) event in the vicinity of West 141st Street and 7th Avenue in Manhattan when he was approached by Police Officers Sergio Arias and Miguel Iñesgonzalez, of the 32nd Precinct, related to an incident earlier in the day in which § 87(2)(b) and his fiancé, § 87(2)(b) took his baby from § 87(2)(b). Other officers arrived on scene with their guns drawn (**Allegation A: Abuse of Authority** – § 87(2)(g)).

At approximately 8:34 PM, at § 87(2)(b)'s apartment located at § 87(2)(b) in Manhattan, officers under the direction of Deputy Chief Vincent Greany, of Patrol Borough Manhattan North, broke open § 87(2)(b)'s apartment door, entered § 87(2)(b)'s apartment, and searched § 87(2)(b)'s apartment (**Allegations B, C, and D: Abuse of Authority** – § 87(2)(g)).

At approximately 8:45 PM, § 87(2)(b) was brought back to the 33rd Precinct stationhouse located at 2207 Amsterdam Avenue in Manhattan. There, § 87(2)(b) spoke with Detectives Anthony Hamosfakidis and Diane Lopez, of the 33rd Precinct Detective Squad. Det. Hamosfakidis and Det. Lopez refused to provide § 87(2)(b) with their names upon request (**Allegation E: Abuse of Authority** – § 87(2)(g); **Allegation F: Abuse of Authority** – § 87(2)(g)).

At approximately 9:10 PM, officers under the direction of Sergeant Sandy Espinal, of the 33rd Precinct Detective Squad, entered and searched § 87(2)(b)'s apartment, located at § 87(2)(b) in the Bronx (**Allegations G and H: Abuse of Authority** – § 87(2)(g)).

§ 87(2)(b) and § 87(2)(b) were both arrested for § 87(2)(b) (Board Reviews 01-02).

29 body-worn camera (BWC) videos were received in relation to this incident (**Board Reviews 03-12, 15, 21**).

Findings and Recommendations

Allegation (A) Abuse of Authority: On West 141st Street and 7th Avenue, in Manhattan, officers drew their guns.

§ 87(2)(b) stated that, earlier in the day on July 14, 2023, he took his infant son (about § 87(2)(b) months old) to a children's clinic for an appointment to obtain vaccinations (**Board Review 13**). § 87(2)(b) had custody of his son from Thursday, July 13, 2023, until Sunday, July 16, 2023, per an arrangement between himself and his son's mother, § 87(2)(b). He went to the clinic with § 87(2)(b) and they met up with § 87(2)(b) there. At the clinic, the doctor performed an examination and concluded that the baby's head was extremely large and needed an ultrasound. The group went to § 87(2)(b) where a doctor conducted an ultrasound of the baby. The doctor found fluid in the baby's brain, but told § 87(2)(b) that it was not life-threatening. § 87(2)(b) got into a verbal altercation with § 87(2)(b) in the waiting room, so § 87(2)(b) and § 87(2)(b) left with the baby and went to § 87(2)(b)'s home. § 87(2)(b) then went to § 87(2)(b), during which he received multiple calls from Port Authority Police and TSA asking him where his son was. § 87(2)(b) cursed them out and refused to tell them the location of his son. § 87(2)(b) left his § 87(2)(b) and was approached by POs Arias and

Ignesgonzalez. They placed him in handcuffs and called for backup. Shortly after, about 20 more officers arrived on scene, at least 10 of whom arrived with their guns drawn but not pointed. After a few minutes, § 87(2)(b) was placed in a police vehicle.

Per EVENT § 87(2)(b) a doctor at § 87(2)(b) called 911 at 4:35 PM to report that § 87(2)(b) and § 87(2)(b) took § 87(2)(b)'s son from the clinic after the doctor advised him that the child had blood in his head (**Board Review 27**). The doctor stated that she advised § 87(2)(b) to take his son to the emergency room, but he took his child to JFK Airport instead.

PO Arias and PO Ignegonzalez's BWC videos from 00:40 of the video player's running time (8:15 PM) to their respective conclusions capture the entire incident from when they first approach § 87(2)(b) to when he is being removed to the stationhouse (**Board Reviews 07-08**). At no point does any officer approach § 87(2)(b) with their gun drawn.

§ 87(2)(g)

Allegation (B) Abuse of Authority: At § 87(2)(b) in Manhattan, Deputy Chief Vincent Greany damaged § 87(2)(b)'s property.

Allegation (C) Abuse of Authority: Deputy Chief Vincent Greany entered § 87(2)(b) in Manhattan.

Allegation (D) Abuse of Authority: Deputy Chief Vincent Greany searched § 87(2)(b) in Manhattan.

§ 87(2)(b) stated that Det. Hamosfakidis and Det. Lopez were among the officers who approached him on West 141st Street and 7th Avenue in Manhattan (**Board Review 13**). They asked § 87(2)(b) where his baby was, and § 87(2)(b) told them that he was with family. They told § 87(2)(b) that they had to take the baby back to the hospital or the baby could die. § 87(2)(b) told the detectives that he was not revealing where his son was, and believed that the detectives were referring to the fluid in the baby's brain. § 87(2)(b) told the detectives that the baby was not going to die and that he wanted to get a second opinion. § 87(2)(b) did not observe officers enter or search his apartment; however, upon his release, he returned home and saw that the top and bottom cylinders of his door were missing and that the door jamb was no longer aligned with the doorframe. When he entered the apartment, he saw that items from his utility closet were in the living room, clothes from inside his closet in his bedroom were on his bed, and other items around his apartment were moved around. § 87(2)(b)'s neighbors told him that they witnessed officers break open his door and enter the apartment on the night of July 14, 2023. As such, § 87(2)(b) believed that officers broke down his door, entered his apartment, and searched it.

The investigation was unable to obtain a statement from § 87(2)(b).

PO Kelsey Garcia's BWC footage from 01:00 of the video player's running time (5:00 PM) captures the officers' initial response to § 87(2)(b) (**Board Review 06**). POs Garcia and Carlota Payano meet up with § 87(2)(b) outside of the hospital. § 87(2)(b) informs the officers that the doctors found fluid in her son's brain and said that he needed to go to the emergency room, but § 87(2)(b) took the baby from the hospital. At 06:37 of the video player's running time, a registered nurse with the hospital tells Lieutenant William Beissel that the baby was scanned at the hospital and they noticed some bleeding from the brain. The nurse tells Lt. Beissel that the baby is currently in an emergency situation and requires immediate medical attention, as it could cascade into numerous other issues. Lt. Beissel asks if the baby is at risk of dying and the

nurse leaves to get the doctor. At 07:13, § 87(2)(b) calls the officers and screams at them, telling them that it is his son. Lt. Beissel takes the phone and tells § 87(2)(b) that they are at the hospital and the doctor is telling the officers that § 87(2)(b)'s son needs medical attention immediately. § 87(2)(b) tells Lt. Beissel, "suck my dick," and hangs up on him. At 18:00, the baby's doctor explains to Lt. Beissel that they did an ultrasound of the baby's head but the results were delayed, and when the results came back they found that there was a bleed in the brain. The doctor reiterates that it is an emergency that requires additional imaging and that the baby needs to go to the emergency room.

PO Arias' BWC footage from 09:28 of the video player's running time (8:24 PM) captures Det. Hamosfakidis and Det. Lopez ask § 87(2)(b) about the location of his son while they are all on the street where § 87(2)(b) was initially stopped (**Board Review 07**). § 87(2)(b) tells the officers that his son is in good hands and refuses to tell the detectives where his son is, even after they tell him that the baby needs to go to the emergency room immediately. § 87(2)(b) continues to refuse to tell the detectives where the baby is until 11:59 of the video player's running time (8:27 PM) when they remove him from the scene.

Det. Watson's BWC footage from 01:17 of the video player's running time (8:16 PM) captures ESU officers arriving at § 87(2)(b)'s apartment building (**Board Review 10**). Sgt. Espinal tells them that § 87(2)(b)'s location was captured a few blocks away but he had time to return to the apartment before leaving again, and that there may be a baby in the apartment in need of medical attention. At 09:55 of the video player's running time (8:25 PM), the ESU officers station themselves outside of § 87(2)(b)'s apartment door. Over the next few minutes, the officer repeatedly knock on the door and ask § 87(2)(b) to come to the door until Sgt. Espinal tells them that § 87(2)(b) has been apprehended, at which point they ask for § 87(2)(b) to come to the door. There is no response from inside the apartment. At 18:00 of the video player's running time (8:33 PM), DC Greany says, "we'll just take the door, we're wasting time." The officers speak briefly and then repeat to take the door, with one officer saying, "Chief wants to take the door." Det. Aramis Ramos uses a hydraulic tool to force the door open, breaking the locks on the door in the process (see also, Det. Ramos' BWC footage from 13:00, **Board Review 15**). The officers enter the apartment with Det. Joseph Repetti entering first. They enter every room in the apartment and check the entire apartment, including under the bed (19:45), inside closets (20:30, 21:10, 21:50, and 22:40), inside the oven and the fridge (22:45, see also: Det. Ramos' BWC at 17:25), and inside the washing machine (Det. Ramos' BWC at 13:50). The officers conclude their search without finding the infant or anyone else inside and exit the apartment at 24:57 (8:40PM).

Sgt. Espinal stated that he was notified by patrol officers from the 33rd Precinct that there was a kidnapping at § 87(2)(b) (**Board Review 16**). The hospital made the initial 911 call. Sgt. Espinal was in charge of the investigation into the kidnapping. Officers brought § 87(2)(b) back to the 33rd Precinct stationhouse to get more information about what happened. § 87(2)(b) told Sgt. Espinal that § 87(2)(b) took their infant son from the hospital after being told that the baby had internal brain bleeding and was at risk of dying if he did not get into surgery as soon as possible. § 87(2)(b) decided that he did not want to get the baby into surgery and took him from the hospital with the assistance of § 87(2)(b). Sgt. Espinal obtained descriptions of § 87(2)(b) and § 87(2)(b) from § 87(2)(b) as well as § 87(2)(b)'s address. Det. Hamosfakidis and Det. Lopez looked at surveillance footage from the hospital and tracked § 87(2)(b) and § 87(2)(b) going towards the subway station at 168th Street and Broadway, and saw that § 87(2)(b) gave § 87(2)(b) the baby, but could not track them beyond that. Sgt. Espinal disseminated photos of § 87(2)(b) and § 87(2)(b) across the NYPD and got in touch with an Assistant District Attorney (ADA). The ADA informed Sgt. Espinal that she would assist in procuring a warrant for § 87(2)(b)'s phone, but that Sgt. Espinal did not need a warrant to enter

§ 87(2)(b)'s apartment. Sgt. Espinal had NYPD units triangulate § 87(2)(b)'s location via his phone, so they knew where to search for him and went to § 87(2)(b)'s apartment. Sgt. Espinal confirmed with the superintendent of the building that § 87(2)(b) lived there. Multiple other executive and commanding officers, including chiefs and inspectors, were present. While at § 87(2)(b)'s apartment, Sgt. Espinal received confirmation that patrol officers had stopped § 87(2)(b) that § 87(2)(b) did not have the baby with him, and that § 87(2)(b) refused to tell them where the baby was. Sgt. Espinal conveyed all the information he received to the executive officers on scene. ESU officers banged on the door to § 87(2)(b)'s apartment and did not receive a response. The executive officers spoke among themselves, and DC Greany made the decision that the officers should enter. ESU forced entry into the apartment and broke down the door. ESU cleared the apartment and confirmed that no one was inside. Sgt. Espinal did not see how ESU cleared the apartment and stepped into the apartment himself only after they cleared it. Sgt. Espinal visually searched the living room and closet and confirmed that no one was inside. Once Sgt. Espinal confirmed that there was no one else in the apartment, he called the superintendent of the building and told him to secure the apartment door. Sgt. Espinal also stationed officers at the door to ensure that no one else entered the apartment.

Det. Repetti generated an ESU report in relation to this incident, in which he stated that ESU was requested for a possible barricaded perpetrator harboring an infant that was unlawfully removed from the hospital (**Board Review 17**). The infant was in immediate need of brain surgery per the complainant, § 87(2)(b). ESU officers attempted to make contact with the barricaded perpetrator and while they were doing so, the perpetrator § 87(2)(b) was located down the block outside the building, but he did not have a baby with him. Under direct order from DC Greany, the ESU officers made an emergency entry in an attempt to locate the infant. The officers checked the apartment and the infant was not there.

Under People v. Doll, 21 N.Y.3d 665 a warrantless entry must pass a three-pronged test it to be justified under the emergency doctrine: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property, grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (**Board Review 18**).

In Onderdonk v. State, 170 Misc.2d 155, the Court opined that reasonably necessary property damage resultant from related police action was not improper, insofar as the damage was not due to unprofessional, unreasonable, excessive, or negligent actions (**Board Review 20**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: At 2207 Amsterdam Avenue in Manhattan, Detective Anthony Hamosfakidis refused to provide his name to § 87(2)(b)

Allegation (F) Abuse of Authority: At 2207 Amsterdam Avenue in Manhattan, Detective Diane Lopez refused to provide her name to § 87(2)(b)

§ 87(2)(b) stated that he was transported to the 33rd Precinct stationhouse after he was arrested (**Board Review 13**). He was placed in an interrogation room in the detective squad area, on the second floor of the stationhouse. Det. Hamosfakidis and Det. Lopez handcuffed him to a pole. The detectives asked § 87(2)(b) where his son was and § 87(2)(b) told them that he was not going to tell them “any-fucking-thing” about his son, even after one of the detectives called medical staff at § 87(2)(b) who told § 87(2)(b) that his son would die if he did not bring him back to the hospital. § 87(2)(b) refused to provide them with any information regarding the whereabouts of his son. While in the room, § 87(2)(b) asked the officers for their names and they did not provide it, instead asking him where his son was.

PO Arias’ BWC footage at 15:54 captures § 87(2)(b) telling Det. Hamosfakidis, “what’s your name, because you got my keys” while they are all on the street where § 87(2)(b) was initially stopped (**Board Review 07**). Det. Hamosfakidis starts to speak, and § 87(2)(b) interrupts him to repeat his request for Det. Hamosfakidis’ name. Det. Hamosfakidis tells § 87(2)(b) his name. § 87(2)(b) does not request Det. Lopez’s name on scene.

PO Gary Sanchez’s BWC footage from 17:57 captures officers processing § 87(2)(b)’s arrest at the front desk of the 33rd Precinct stationhouse (**Board Review 21**). Det. Lopez and Det. Hamosfakidis are present during § 87(2)(b)’s processing. At 29:27 PO Sanchez escorts § 87(2)(b) up to the detective squad area. At 30:35, under the direction of Det. Hamosfakidis, PO Sanchez brings § 87(2)(b) into a small room with three chairs around a small table and a bench. PO Sanchez then deactivates his BWC. The footage does not capture any verbal interaction between Det. Hamosfakidis, Det. Lopez, and § 87(2)(b) at any location inside the stationhouse.

Det. Hamosfakidis stated that § 87(2)(b) requested Det. Hamosfakidis’ name twice at the site of his arrest and Det. Hamosfakidis verbally provided it (**Board Review 22**). § 87(2)(b) requested Det. Hamosfakidis’ name again at the stationhouse and Det. Hamosfakidis provided it again. Det. Hamosfakidis did not know if § 87(2)(b) asked any other officer for their name.

Det. Lopez stated that during a conversation between herself, Det. Hamosfakidis, and § 87(2)(b) at a cell inside the stationhouse, § 87(2)(b) asked Det. Lopez and Det. Hamosfakidis for their names (**Board Review 23**). Both detectives verbally provided their names to § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: Sergeant Sandy Espinal entered § 87(2)(b) in the Bronx.

Allegation (H) Abuse of Authority: Sergeant Sandy Espinal searched § 87(2)(b) in the Bronx.

§ 87(2)(b) stated that after § 87(2)(b) took his son from the hospital, they both went back to § 87(2)(b)'s apartment (**Board Review 14**). At some point later, § 87(2)(b) went to § 87(2)(b) and left his son with § 87(2)(b). Det. Lopez called § 87(2)(b) while § 87(2)(b) was away and asked her where the baby was. § 87(2)(b) told Det. Lopez that she did not know what Det. Lopez was talking about and hung up. Det. Lopez continued to call § 87(2)(b) and § 87(2)(b) ignored her. Det. Lopez subsequently texted § 87(2)(b) asking her to call the detectives and to bring the baby back because he has something in his brain and could die. Later in the day, officers went to § 87(2)(b)'s apartment, banged on the door, and announced themselves as officers. § 87(2)(b) did not respond and called § 87(2)(b). At this point, § 87(2)(b) had completed his meeting and § 87(2)(b) told him that detectives were calling her. She told § 87(2)(b) to take the baby back. § 87(2)(b) told § 87(2)(b) that the police were surrounding him and, shortly after, the phone call dropped. § 87(2)(b) assumed he was arrested. About two hours after that, the officers returned and banged on § 87(2)(b)'s apartment door again. A female officer announced herself as police and § 87(2)(b) opened the door since § 87(2)(b) was arrested and § 87(2)(b) had to hand over the baby as he was not hers. § 87(2)(b) asked for a minute to put something on, then opened the door slightly and observed three officers. She spoke with the female officer who asked if she was § 87(2)(b) which § 87(2)(b) confirmed. The officer then asked if the baby was present, which § 87(2)(b) also confirmed. § 87(2)(b) closed the door and put a robe on. She returned to the door and opened it all the way, and approximately 30 officers entered the apartment. None of the officers requested consent, nor did § 87(2)(b) invite them inside. The officers asked where the baby was, and § 87(2)(b) told them that the baby was asleep in her bedroom. The officers entered the bedroom and took the baby, then wrapped him in a hospital pad and removed him from the apartment. The officers placed § 87(2)(b) under arrest, allowing her to get dressed prior to removing her from the apartment. Several officers occupied the kitchen and living room while § 87(2)(b) was getting dressed. The officers did not otherwise look around her apartment.

PO Iñesgonzalez's BWC footage at 00:38 of the video player's running time (8:15 PM) captures § 87(2)(b) on the phone as he approaches the officers just prior to his apprehension (**Board Review 08**). At 01:00, § 87(2)(b) tells the individual that he is on the phone with that he was stopped by officers and that he would call them back in two minutes.

PO Tobin's BWC footage at 01:15 of the video player's running time (9:14 PM) captures PO Tobin entering § 87(2)(b)'s apartment building (**Board Review 11**). At 01:43, PO Tobin approaches § 87(2)(b)'s apartment door. The door is already cracked open and PO Tobin pushes it open. PO Tobin enters the apartment and § 87(2)(b) is inside speaking with two detectives who are already inside the apartment. At 02:00, a baby is captured in the arms of a female detective inside of § 87(2)(b)'s bedroom. There are four detectives already present inside the apartment, and nine more officers enter after PO Tobin. Officers step into § 87(2)(b)'s kitchen as other officers enter the apartment

behind them. At 02:24, the female detective leaves with the baby. Officers stand inside of § 87(2)(b)'s kitchen, living room, and bathroom and wait as § 87(2)(b) gets dressed in her bedroom, is placed in handcuffs, and is taken out of the apartment.

Sgt. Espinal stated that his team conducted computer checks of § 87(2)(b) to see where she lived and found her address as a result (**Board Review 16**). Sgt. Espinal personally called the 44th Precinct desk and asked them to get an available sector car over to the address, as 44th Precinct officers could get to the location faster and knew the area better. Officers at the 44th Precinct already knew about the situation due to the information Sgt. Espinal sent around the NYPD earlier. About an hour or two after ESU entered § 87(2)(b)'s apartment, Sgt. Espinal received a call that the baby was found at § 87(2)(b)'s apartment. Sgt. Espinal went to the 44th Precinct and, while they were en route, officers brought § 87(2)(b) to the stationhouse and the baby to the hospital for surgery. Upon Sgt. Espinal's arrival at the 44th Precinct stationhouse, he spoke with an officer from the 44th Precinct who he could not recall, who informed him that they had knocked on § 87(2)(b)'s door and, after some time, § 87(2)(b) said she would come out. The officers then apprehended § 87(2)(b) and secured the baby. The officer did not provide any other information regarding § 87(2)(b)'s arrest or whether they entered the apartment.

Under People v. Doll, 21 N.Y.3d 665 a warrantless entry must pass a three-pronged test it to be justified under the emergency doctrine: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property, grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (**Board Review 18**).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- This is the first complaint to which § 87(2)(b) has been a party.
- DC Greany has been a member of service for 23 years and has been a subject in three other CCRB complaints and four other allegations, none of which were substantiated. § 87(2)(g)

- Det. Hamosfakidis has been a member of service for six years and has been a subject in five other CCRB complaints and 20 other allegations, of which five were substantiated:
 - 202002839 involved substantiated allegations of discourtesy, offensive language, and refusal to provide shield number against Det. Hamosfakidis. The Board recommended Command Discipline A for the discourtesy and refusal to provide shield number and Charges for the offensive language. The case was closed by APU as Charges not served.
- § 87(2)(g)
- Det. Lopez has been a member-of-service for eight years and this is the first CCRB complaint to which she has been a subject.
- Sgt. Espinal has been a member of service for 13 years and has been a subject in five other CCRB complaints and nine other allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 3, 2024, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 28**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 1

Investigator:	<u>Inv. Adip Vora</u>	<u>Inv. Adip Vora</u>	<u>07/05/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>07.09.2024</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date